IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5656 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JANAKDEVI WD/O BANESINGH DHANSINGH - Petitioner(s)

Versus

REGIONAL PROVINDENT FUND COMMISSIONER - Respondent(s)

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Appearance :
MR TR MISHRA for Petitioner(s) : 1,
MR PJ MEHTA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 27/01/2006

CAV JUDGMENT

1. By filing this petition, the petitioner has prayed to issue direction to the respondent – Regional Provident Fund Commissioner, Gujarat State to pay the

amount of Deposit-linked-Insurance Scheme benefit and family pension to the petitioner under the Employee's Provident Fund and (Misc. Provisions) Act, 1952 together with 24% interest on the amount due and payable.

2. Having heard the learned advocates for the parties and having perused the material on record, it can be noticed that earlier the petitioner had moved this Court by filing Special Civil Application No.915 of 1996 wherein this Court (Coram: H.L.Gokhale,J) by its order dated 21.3.1996 directed the petitioner to make necessary application to the respondent within two weeks from today and the respondent was directed to decide the same within six weeks thereafter and also to clear the amount found due to the petitioner.

3. It is pointed out by the learned advocate appearing for the petitioner that till date, the respondent authority has not decided the application made by the petitioner in pursuance of the order of this Court dated 21.3.1996 passed in Special Civil Application No.915 of 1996. On the other-hand, Mr.P.J.Mehta, learned advocate appearing for the respondent authority is unable to state whether the application made by the petitioner to the respondent authority is decided or not.

4. In that view of the matter, the respondent authority is directed to decide the application made by the petitioner in pursuance of the order of this Court dated 21.3.1996 passed in Special Civil Application No.915 of 1996 within a period of two weeks from today and shall communicate the outcome thereof to the petitioner by the Registered Post A.D., forthwith. Considering the facts of the present case, the respondent authority is directed to pay cost to the petitioner which is quantified at Rs.2000/- (Rupees two thousand only) within a week from today.

5. Subject to what is stated above, this petition is rejected. Rule is discharged.

(Sharad D.Dave,J)

srilatha